THE HON'BLE Ms. JUSTICE G.ROHINI

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WRIT PETITION NO: 24200 of 2006

Dated: 28-12-2006

Between:

P.Krishna Kumari

..... PETITIONER

AND

Agent to the Government cum District Collector,

Visakhapatnam District,

Visakhapatnam and 2 others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

–

WRIT PETITION NO: 24200 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the action of the 2nd respondent in taking up the proceedings in LTR No.55 of 2003 as arbitrary and illegal.

The petitioner pleaded that LTR No.55 of 2003 which was taken up on a complaint made by the petitioner alleging that the 3rd respondent herein is in possession of the land in question in contravention of the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 was allowed by order dated 07-01-2004 and the appeal preferred by the
3rd respondent is pending before the 1st respondent. It is contended that W.P.No.117 of 2006 filed by the petitioner was disposed of by this Court with a direction to the 1st respondent to decide the appeal on merits and therefore, the impugned action of the 2nd respondent in reopening the enquiry in LTR NO.55 of 2003, while the appeal is still pending, is arbitrary and illegal.

This Court, while directing notice, granted interim stay of all further proceedings in LTR No.55 of 2003. However, the learned Government Pleader for Social Welfare, under instructions, submitted that as a matter of fact, the appeal A.S.No.2 of 2006 was allowed by the 1st respondent on 04-09-2006 itself, thereby setting aside the order of eviction, dated 07-01-2004, and remanding the matter back to the Special Deputy Collector, Tribal Welfare for fresh enquiry. Learned Government Pleader also submitted that the impugned notice, dated 26-09-2006, was issued during the course of fresh enquiry taken up by the Special Deputy Collector pursuant to the order of the appellate authority, dated
04-09-2006, which was served on the petitioner by affixture on
07-10-2006 since he was not available, at his residence.

Be that as it may, since it is clear that the appellate authority had disposed of the appeal and the matter was remitted back to the Special Deputy Collector, I am unable to hold that the impugned notice is either arbitrary or illegal.

Accordingly, the writ petition is dismissed. However, the petitioner is granted liberty either to challenge the order dated
04-09-2006 by working out the appropriate remedy as available under law or to participate in the enquiry pending before the Special Deputy Collector. No costs.

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G. ROHINI, J

Dated: 28-12-2006

KLP